

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 1

### Bill No. 1 -2009

Introduced by: The Chairperson at the request of the County Executive  
Co-sponsored by: Calvin Ball, Greg Fox, Mary Kay Sigaty, and Jennifer Terrasa

AN ACT prohibiting the discharge of a gun within a certain distance from certain structures under certain conditions; prohibiting the discharge of a gun in the direction of certain structures; providing for certain exceptions; making certain technical corrections; defining certain terms; and generally related to firearm control provisions in the Howard County Code.

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Introduced and read first time \_\_\_\_\_, 2009. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2009.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

This Bill was read the third time on \_\_\_\_\_, 2009 and Passed \_\_\_\_, Passed with amendments \_\_\_\_, Failed \_\_\_\_.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2009 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2009

\_\_\_\_\_  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that  
2 8.400 “Definitions”, Section 8.401 “Discharge of guns- Prohibited” and Section 8.403  
3 “Exemptions from provisions of this subtitle” of Subtitle 4 “Firearms Controls” of Title  
4 8 “Crimes and Misdemeanors” of the Howard County Code are amended to read as  
5 follows:

6  
7 **Title 8. Crimes and Misdemeanors.**

8 **Subtitle 4. Firearms Controls.**

9  
10 **Section 8.400. Definitions.**

11 Terms in this subtitle have the meanings indicated.

12 (a) *Blank ammunition*: Any ammunition composed of a casing and a primer contained as  
13 one unit, but not containing a projectile or projectiles. Blank ammunition also includes  
14 black powder, nonprimed antique.

15 (b) *Department of police*: The department of police for Howard County.

16 (c) *Electronic weapon*: Any instrument, "stun-gun," "TASER," or any similar device by  
17 whatever name which is designed as a weapon, capable of, or designed to be capable of,  
18 temporarily incapacitating another by the discharge of electrical current through  
19 projectile or nonprojectile means.

20 (D) (1) “FACILITY” MEANS A BUILDING, STRUCTURE, OR CAMP DESIGNED FOR  
21 OCCUPANCY OR USE BY HUMAN BEINGS.

22 (2) “FACILITY” INCLUDES A DWELLING, HOUSE, AND RESIDENCE.

23 ~~(d)~~E *Fixed ammunition*: Any ammunition composed of a projectile or projectiles, a  
24 casing and a primer, all of which shall be contained as one unit.

25 ~~(e)~~F *Gun*: Any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar  
26 mechanism by whatever name known which is designed to expel a projectile through a  
27 barrel by the action of any explosive, gas, compressed air, spring, or elastic.

28 ~~(f)~~G *Metropolitan district*: The Howard County Metropolitan District as created and  
29 modified by the county council pursuant to Howard County Code title 18, "Public  
30 Works," subtitle 1, "Public Utilities," and identified on official plats available for public  
31 inspection during reasonable office hours in the Department of Public Works.

1 (~~g~~H) *public safety officer*. An individual who:

2 (1) Is a sworn member of the Department of Police; or

3 (2) Is a sworn member of a law enforcement agency of a department, county,  
4 or municipal corporation of the State of Maryland, or similar agencies of  
5 other states or the United States, and who has authority within the  
6 individual's jurisdiction to possess and use an electronic weapon.

7 (~~H~~I) *SAFETY ZONE*: MEANS THE AREA WITHIN A DISTANCE DESIGNATED BY SECTION 8.403  
8 OF THIS SUBTITLE FROM ANY ~~DWELLING, HOUSE, RESIDENCE, OR OTHER BUILDING OR CAMP~~  
9 ~~DESIGNED FOR OCCUPANCY BY HUMAN BEINGS~~ FACILITY WHERE THE DISCHARGE OF  
10 FIREARMS IS PROHIBITED BY SECTION 8.403 OF THIS SUBTITLE.

11  
12 **Section 8.401. Discharge of guns--Prohibited.**

13 (a) [[It shall be unlawful for any person to]] A PERSON SHALL NOT discharge any gun  
14 within the metropolitan district, whether the gun is loaded with fixed or blank  
15 ammunition or projectiles of any kind.

16 (b) [[In that area of the county not within the boundaries of the metropolitan district it  
17 shall be unlawful to]] A PERSON SHALL NOT discharge any gun OUTSIDE THE  
18 METROPOLITAN DISTRICT, whether the gun is loaded with fixed or blank ammunition or  
19 projectiles of any kind, except at varmints on the ground[[, or at legal game as permitted  
20 by the department of natural resources of the State of Maryland]].

21 [[(c) It shall be unlawful for any person to discharge a gun from, onto, across or within  
22 one hundred (100) yards of the right-of-way of any public highway in the county and  
23 shall be unlawful at any time for any person other than the owner and/or occupant to  
24 shoot or discharge any gun within one hundred fifty (150) yards of any dwelling, house,  
25 residence or other building or camp designed for occupancy by human beings, the area  
26 within that distance being hereby defined as a safety zone, or to shoot on, from, onto or  
27 across any safety zone or any public or private land for any purpose, without the express  
28 prior written consent of the owner thereof.]]

29 (C) A PERSON SHALL NOT DISCHARGE A GUN FROM, ONTO, ACROSS, OR WITHIN 100 YARDS  
30 OF A PUBLIC ROAD.

(D) A PERSON SHALL NOT, WITHOUT THE PRIOR WRITTEN CONSENT OF THE PROPERTY OWNER, DISCHARGE A GUN ON, FROM, ONTO, OR ACROSS ANY PUBLIC OR PRIVATE LAND.

[(d)] (E) This section shall not apply to:

- (1) The discharge of guns at any target, trap or skeet range or shooting area which has been inspected and received the written approval of the department of inspections, licenses and permits pursuant to section 8.405, "Authority To Inspect and Approve Ranges or Shooting Areas," of this subtitle; or to
- (2) The discharge of guns by any person in a private basement or cellar target range; or to
- (3) The discharge of guns where necessary to protect life or [[property]] PROPERTY, INCLUDING CROPS OR LIVESTOCK, or to kill any dangerous threatening animal; or to
- (4) Any duly authorized law enforcement officer acting in the proper performance of his/her official duties; or to
- (5) The discharge of blank ammunition in theatrical performances, historical reenactments or sporting events; or to
- (6) The firing of salutes by firing squads at military funerals; or to
- (7) The discharge of guns by any person engaged in bona fide wildlife research activities.

**Section 8.403 [[Exemptions from provisions of the subtitle.]] SPECIAL PROVISIONS FOR HUNTING.**

[[Nothing in this subtitle shall be deemed to prohibit the owner or tenant of any land from carrying or discharging a gun on their land for the purpose of killing animals which are preying upon, damaging or destroying their property, livestock or crops. This subtitle shall not prohibit the carrying or discharging of any gun by licensed hunters, lawfully hunting in season on their owned or leased property, not within the metropolitan district or if on the property of another, not within the metropolitan district, with the prior written permission of the property owner or person in lawful possession. Further, nothing in this subtitle shall prohibit the carrying or discharging of shotguns by licensed hunters,

1 lawfully hunting in season on their owned or leased property of not less than ten (10)  
2 acres within the metropolitan district, or if on the property of another of not less than ten  
3 (10) acres within the metropolitan district with the prior written permission of the  
4 property owner or person in lawful possession.]]

5 (A) NOTWITHSTANDING SECTION 8.401 OF THIS SUBTITLE, A LICENSED HUNTER MAY  
6 DISCHARGE A GUN IF THE HUNTER:

7 (1) IS LAWFULLY HUNTING ~~ON NOT LESS THAN 10 ACRES~~ OUTSIDE THE  
8 METROPOLITAN DISTRICT:

9 (I) ON PROPERTY THE HUNTER OWNS; OR

10 (II) ON OTHER PROPERTY WITH THE PRIOR WRITTEN PERMISSION OF THE  
11 OWNER; AND

12 (2) COMPLIES WITH SUBSECTIONS (C) AND (D) OF THIS SECTION AND ALL  
13 APPLICABLE STATE LAWS OR REGULATIONS.

14 (B) NOTWITHSTANDING SECTION 8.401 OF THIS SUBTITLE, A LICENSED HUNTER MAY  
15 DISCHARGE A SHOTGUN IF THE HUNTER:

16 (1) IS LAWFULLY HUNTING ON NOT LESS THAN 10 ACRES INSIDE THE  
17 METROPOLITAN DISTRICT:

18 (I) ON PROPERTY THE HUNTER OWNS; OR

19 (II) ON OTHER PROPERTY WITH THE PRIOR WRITTEN PERMISSION OF THE  
20 OWNER; AND

21 (2) COMPLIES WITH SUBSECTIONS (C) AND (D) OF THIS SECTION AND ALL  
22 APPLICABLE STATE LAWS OR REGULATIONS.

23 ~~(C) A PERSON SHALL NOT DISCHARGE A GUN FROM, ONTO, ACROSS, OR WITHIN A SAFETY~~  
24 ~~ZONE OF:~~

25 ~~(i) 300 YARDS; OR~~

26 ~~(ii) 150 YARDS IF:~~

27 ~~A. THE PERSON IS SHOOTING DOWNWARD FROM A STAND THAT~~  
28 ~~IS ELEVATED A MINIMUM OF 10 FEET FROM THE GROUND; OR~~

29 ~~B. THE PERSON IS USING A SHOTGUN THAT CONTAINS ONLY~~  
30 ~~SHOT.~~

1 ~~(D) A PERSON SHALL NOT DISCHARGE A GUN IN THE DIRECTION OF ANY DWELLING, HOUSE,~~  
2 ~~RESIDENCE, OR OTHER BUILDING OR CAMP DESIGNED FOR OCCUPANCY BY HUMAN BEINGS~~  
3 ~~WHICH IS WITHIN THE MAXIMUM RANGE OF THE GUN BEING DISCHARGED.~~

4 (C) (1) (I) THE SAFETY ZONE IS THE AREA CONSISTING OF 150 YARDS AROUND A  
5 FACILITY.

6 (II) WITHOUT WRITTEN PERMISSION OF THE PROPERTY OWNER, A PERSON  
7 SHALL NOT DISCHARGE A GUN WITHIN, FROM, ONTO, OR ACROSS A  
8 SAFETY ZONE.

9  
10 (2) WHENEVER A PERSON DISCHARGES A GUN, THE PERSON SHALL:

11 (I) ENSURE THAT THE PROJECTILE HAS A DOWNWARD TRAJECTORY;

12 (II) BE SURE THAT THE DISCHARGE IS TOWARDS A SAFE, VISIBLE BACKSTOP;

13 OR

14 (III) USE A SHOTGUN THAT CONTAINS ONLY SHOT.

15  
16 (D) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A PERSON HAS COMMITTED A  
17 CLASS A OFFENSE UNDER TITLE 24, SUBTITLE 1 OF THE HOWARD COUNTY CODE IF THE  
18 PERSON DISCHARGES A GUN AND A PROJECTILE FROM THE GUN DAMAGES A FACILITY OR  
19 PERSONAL PROPERTY, INCLUDING PETS AND LIVESTOCK, REGARDLESS OF WHETHER THE  
20 PERSON HAS COMPLIED WITH ALL OTHER PROVISIONS OF THIS SECTION.

21  
22 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,  
23 *Maryland, that this Act shall become effective 61 days after its enactment.*